

REMARKS

The Office Action dated February 19, 2010 has been received and considered. In this response, claims 11, 12, 19, and 22-24 have been amended. Support for the amendments is found in the specification and drawings as originally filed. Reconsideration of the pending rejections in the present application is respectfully requested based on the following remarks.

Objection to Claims 11 and 24

At page 2 of the Office Action, the Office objects to claims 11 and 24 as reciting “capable of” language. Claims 11 and 24 have been amended consistent with the Office’s remarks. Reconsideration and withdrawal of this objection therefore is respectfully requested.

Obviousness Rejections of Claims 11-28

At page 2 of the Office Action, claims 11, 12, 15 and 17-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman (U.S. Patent No. 6,393,000) in view of Hanning (U.S. Patent No. 6,981,174). At page 11 of the Office Action, claims 13, 26 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman and Hanning in view of Chauffour (U.S. Patent No. 5,870,397). At page 14 of the Office Action, claims 14 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman and Hanning in view of Wajda (U.S. Patent No. 6,711,584). At page 15 of the Office Action, claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman and Hanning in view of Mito (U.S. Patent App. Pub. No. 2002/0172185). These rejections are respectfully traversed.

Independent claim 11 recites the features of “detecting local conversational activity at each of said terminals respectively and sending conversational activity signals indicative of the local conversational activity from each of said terminals to the other terminal.” In rejecting claim 11, the Office points to Feldman as disclosing these features. The Applicants respectfully disagree.

Feldman teaches a technique for sending secondary data when a primary signal is absent or is without information content. *Feldman*, Abstract. In particular, Feldman teaches a communication system comprising a land earth station (LES) 4 and mobile earth stations (MESS)

6 and 8, whereby the LES 4 transmits a voice communication to the MES 6 and transmits data to the MES 8. *See Feldman*, col. 3, line 7 – col. 4, line 56. In particular, Feldman teaches a technique whereby periods of silence in the voice communication are used as opportunities to send the data to the MES 8. *See Feldman*, FIG. 4. As noted by the Office, this process involves the LES 4 detecting a period of silence and transmitting a “silence code” in response to detecting the period of silence. Assuming, *arguendo*, that this “silence code” constitutes a “conversational activity signal indicative of the local conversational activity,” it is noted that only the LES 4 that analyzes the “location conversational activity” or that sends such as “conversational activity signal.” No other terminal in the system of Feldman performs these activities. Thus, Feldman discloses that only one “terminal” detects local conversational activity and sends a corresponding conversational activity signal, whereas claim 11 provides that these processes are performed by *each of said terminals* (noting the plural “terminals”). That is, Feldman fails to disclose that *each* terminal of at least two terminals detects local conversation and further that *each* terminal of the at least two terminals sends a conversational activity signal indicative of the local conversational activity to the other terminal as provided by claim 11. The other cited references also fail to disclose or render obvious this aspect of claim 11. Accordingly, the proposed combinations of Feldman, Hanning, Chauffour, Wajda, and Mito fail to disclose or render obvious at least the features of “detecting local conversational activity *at each of said terminals* respectively and sending conversational activity signals indicative of the local conversational activity *from each of said terminals to the other terminal*” as recited by claim 11.

Independent claim 24 has been amended and presently recites the features of “a signalling module for sending in each of said time periods a conversational activity signal indicative of the local conversational activity at said terminal to said other terminal and for receiving in each of said time periods a conversational activity signal indicative of a local conversation activity at said other terminal.” As described above, Feldman discloses that only the LES 4 analyzes the voice communication for silent periods and sends a “silent code” for any detected silent period. None of the other terminals of the system of Feldman detect local conversation activity and, consequently, none of the other terminals send conversational activity signal indicative of the local conversation activity to any other terminal. Accordingly, Feldman necessarily fails to disclose or render obvious the above-identified feature recited by claim 24. The other cited references are likewise silent in this regard. The proposed combinations of

Feldman, Hanning, Chauffour, Wajda, and Mito therefore fail to disclose or render obvious at least the above-identified features of claim 24.

As discussed above, the proposed combinations of references fail to disclose or render obvious at least one feature of independent claims 11 and 24. The proposed combinations of references therefore fail to disclose or render obvious the combinations of features recited by claims 12-23 and 25-28 at least by virtue of the respective dependencies of these claims. Moreover, these dependent claims recite additional novel and non-obvious features. In view of the foregoing, reconsideration and withdrawal of the obviousness rejections is respectfully requested.

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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